

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Wheeling**

PAUL NICOLETTI,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 5:23-CV-120
)	
M.J. BAYLESS,)	
)	
Respondent.)	

DECLARATION OF SUSAN GIDDINGS

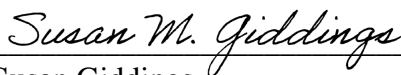
In accordance with the provisions of Section 1746 of Title 28, United States Code, I, the undersigned Susan Giddings, do hereby make the following declaration pertinent to the above-styled cause of action:

1. I am currently employed by the Federal Bureau of Prisons (BOP) as the Chief of the Unit Management Section of the Correctional Programs Branch (CPB), which is organized under the Correctional Programs Division (CPD) in the BOP's Central Office located in Washington, D.C. I began my career with the BOP in 1991 and I have held my current position since 2019.
2. As the Unit Management Section Chief, I am responsible for overseeing Correctional Systems and the BOP's national Victim and Witness Program. In addition, I oversee the implementation of the First Step Act's (FSA) application of Earned Time Credits (Time Credits) for all inmates in BOP custody. As part of my duties, I have access to the computerized records of all inmates, including their Risk and Needs Assessments.
3. I am aware that Petitioner, Paul Nicoletti ("Petitioner"), Federal Register Number 55819-039, has filed a petition for writ of habeas corpus requesting the BOP to calculate and apply his Time Credits to 15 days for every 30 days beginning August 31, 2021.

4. The FSA Risk and Need Assessment System encompasses the initial classification and Program Review process; however, to ensure consistency and fairness across all institutions and to ensure temporary delays or disruptions do not negatively impact the inmate, the FSA assessments and reassessments are automated and conducted independently in accordance with the initial classification and Program Review timelines as outlined in policy and rules language. The initial FSA assessment is conducted 28 days after the inmate's arrival at his or her initially designated facility with subsequent FSA reassessments conducted every 90 or 180 days based on the inmate's projected release date.
5. Petitioner has received the benefit of 15 days of Time Credits since March 27, 2022, and all Time Credits have been correctly been applied towards his release date.
6. Here, in accordance with 28 C.F.R. 523.42(c)(ii), Petitioner began earning 15 days of Time Credits for every 30 days of successful participation in programming on March 27, 2022 after he maintained his minimum risk level for two consecutive assessment periods (August 31, 2021 – September 28, 2021 and September 28, 2021 – March 27, 2022). This was after his initial 28 day review and 180 day review. *See* Attachment A, FSA Time Credit Assessment.
7. Exhibits 22-1 and 22-2 provided by Petitioner do not mean a new assessment period began.

I declare under penalty of perjury that the foregoing facts are true and correct to the best of my knowledge.

Executed this 22 day of June 2023.



Susan Giddings
Correctional Programs Division
Chief, Unit Management Section
Central Office